

MINUTES

LENOIR CITY REGIONAL PLANNING COMMISSION

NOVEMBER 6, 2007

The Lenoir City Regional Planning Commission meeting was called to order at 6:00 PM Present were Mr. Ghormley, Ms. Watson, Mr. Lingenfelter, Mr. Simpson, and Ms. Ross. Absent were Mr. Grindstaff and Mr. Wilkerson.

Motion to approve the minutes of the October 2, 2007 meeting was made by Ms. Ross, seconded by Mr. Lingenfelter and approved 5-0.

Agenda Item A: Request consideration of approval of rezoning approximately .028 acres of property (1250 SF) located at 110 A Street from C-2, Central Business District to R-2, High Density Residential District, referenced by Tax Map 20N, Group F, Parcel 9.00. Owner: Gregory Thompson [07-10-232-RZ-LE]

Mr. Thompson was present. He explained that the building has been used as a residence, but due to LCUB policy his utilities are charged at a commercial rate because of the zoning, as are his property taxes. He used to build custom kitchens, cabinets and furniture, but he can no longer physically able do those, and without running a business at the location he is unable to afford to pay those types of expenses. He also cannot get financing at a lower rate because of the commercial zoning on the property. It is not practical for him to live there with these added expenses. He has lived there for 16 years.

Mr. Newman described the property and location for the Board, noting this is a typical two-story, downtown building in the Central Business District, with everything around it zoned C-2. He asked Mr. Thompson if he had considered selling the property.

Mr. Thompson said that he has just finished restoring the property and he likes living there. He does not want to move. He has changed the building from dilapidated to livable and has grown attached to it.

Mr. Newman said that he could legally live on any floor above the ground floor, and he feels it would be a mistake to rezone the property since it is in the center of the Central Business District. It could not be changed back by the city if Mr. Thompson moved, and without changing it back it could be converted to apartments and it would not be good for that to happen.

Ms. Ross asked if he could rent the downstairs to a business, and Mr. Thompson said that there are no facilities for that and the electricity is on one meter, not dual. All he uses downstairs for is storage and laundry, like a garage would be used.

Ms. Watson asked if a Special exception could be granted for him since he had lived there and had a business, and was now disabled.

Mr. Newman said he would prefer that over a rezoning.

Mr. Simpson said he felt that would be “opening up a can of worms” with future requests for exceptions.

Mr. Newman said that a Special Exception would also not help Mr. Thompson from a lending standpoint.

Mr. Thompson said that for the lending and the utilities the property must be zoned residential.

Ms. Watson made the motion to deny the request, Ms. Ross seconded, and motion was approved 5-0.

Mr. Newman told Mr. Thompson he could appeal the decision to City Council when they heard the item.

Agenda Item B: Request consideration of approval of 3 lot subdivision and Joint Permanent Easement (Faith Way) for property located on Lakeview Drive, referenced by Tax Map 21, Parcels 168.00 & 168.01, Zoned R-1, Suburban Residential District, 6th Legislative District. Owner: Lisa Rogers [07-09-211-SU-CO(LEPR)]

Mr. Alvin Jenkins was present for Ms. Rogers.

Mr. Newman described the property and location for the Board, noting the property is in the County but is inside the Lenoir City Urban Growth Area.

Mr. Reynolds described the division of the property and the Joint Permanent Easement for the Board, noting it met the requirements of the Joint Permanent Easement requirements.

Mr. Newman recommended approval of the plat, subject to the required signatures and the JPE either being built or a Letter of Credit being provided for it.

Ms. Ross made the motion to approve, Ms. Watson seconded, and motion was approved 5-0.

Agenda Item C: Request consideration of approval of lot size variance to divide parcel with two existing single family homes located at 611 N. B Street, referenced by Tax Map 20K, Group D, Parcel 32.00, Zoned R-2, High Density Residential District. Owner: James Bowers

Mr. Bowers was present. He stated his wife passed away in February, and he has a large house and a small house on the property. He currently lives in the large house, but wants to remodel the small house, move into it and sell the larger house. He purchased the property 7 years ago from an estate, but the small house was built in 1956. In 1971 the small corner was sold to the church, and he has no control over it. His daughter is also on the deed to his property.

Mr. Newman described the property and location for the Board, noting that there is not enough property to meet the minimum lot size of 7,125 sf on both lots if the property is divided. Mr. Bowers wanted a ruling from the Board before he went to the expense of having the property surveyed.

Mr. Simpson made the motion to approve, Mr. Lingenfelter seconded, and motion was approved 5-0.

Agenda Item D: Request consideration of approval to accept Bethel Drive in Harmony Heights, Phase IV as a public Street in Lenoir City. [07-10-236-TR-LE]

Mr. Newman described the property and location for the Board, noting the road had been completed since the beginning of the project, and had been accepted in phases as the homes were completed. It has a 50'

right of way and is 24' wide, paved and curbed and in good condition. He recommended approval of the request.

Ms. Watson made the motion to approve, Ms. Ross seconded, and motion was approved 5-0.

Agenda Item E: Request consideration of approval to release letter of credit in the amount of \$64,000 for Acadia Villas. Owner: Holrob Investments [06-08-173-SU(F)-LE]

Mr. Newman told the Board that about 10% of the lots have been built on, and the landscaping is complete, but he did not want to recommend a total release. He requested a reduction to \$30,000 until 80% of the units are completed.

Mr. Simpson made the motion to reduce the letter of credit from \$64,000 to \$40,000 until 80% of the units were completed. Ms. Watson seconded, and motion was approved 5-0.

Agenda Item F: Request consideration of approval to provide a bond instead of letter of credit to guarantee improvements for The Market at Town Creek. Owner: Mimms Group

Mr. Kevin Sullivan was present. He noted there is a significant cost difference for them between a letter of credit and a bond. They anticipate a 2 million dollar bond on the balance of this site. They normally have bonds on their projects. A letter of credit constricts them on future projects.

Mr. Newman said the Board does not typically take bonds, not from any bad experience but because so far they have never dealt with projects at this size. To sign the Mimms 6-lot plat some security is required. A letter of credit is like cash at the bank, and a bond works through the bond company, and the guarantee is only as good as the financial health of the bond company and the process of collection is more cumbersome. He does not have a concern with the bond, but wants the RPC to be aware and approve of the bond.

Ms. Watson said that her company deals with bonds and the companies they deal with pay claims in a timely manner.

Mr. Simpson requested staff put something in writing regarding bonds vs. letters of credit.

Mr. Newman said he would put something together that relates to large projects over a certain dollar amount.

Ms. Watson made the motion to accept a bond for this project, Mr. Lingenfelter seconded, and motion was approved 5-0.

Agenda Item G: Discussion of proposed amendments to Lenoir City Zoning Ordinance, Section 11-615, Storm Water Control Standards – Staff

Mr. Newman told the Board there was still work to be done on the proposed amendments completed and will present them at the December meeting.

Announcements and/or comments from the Board/Commission

Mr. Newman explained to the Board a memo he had sent to City Manager Dale Hurst and Mayor Brookshire regarding the requirement to have two board members that live in the urban growth area. He

said the city could opt to not be a regional planning commission and then would not review any plans outside the city limits.

He also announced that Mr. Reynolds's last day at the Planning Office will be November 27.

With no further business the meeting was adjourned at approximately 7:15 PM

Signed

Dated